

## REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1, 4-6, 9 and 11-15, 17-24, 26-36, 38-48 and 50-58 are pending in the application. By this amendment, claims 1, 9, 15, 19, 21, 23, 26, 30, 35, 38, 42, 47, 50 and 54 are amended; and claims 10, 16, 25, 37 and 49 are canceled.

In numbered paragraph 3, pages 5-12 of the final Office Action, claims 1-24, 35, 36, 47 and 48 were rejected under 35 U.S.C. § 102, as being anticipated by Simpson, "Windows 95 Uncut," 1995, IDG Books Worldwide, pages 31, 32, 57, 115, 134, 137, 138, 139 and 246. In numbered paragraph 5, pages 12-17 of the final Office Action, dependent claims 25-34, 37-46 and 49-58 were rejected under 35 U.S.C. § 103, as being unpatentable over the Simpson publication in view of U.S. Patent 6,606,101 (Malamud et al.) and U.S. Patent 6,097,390 (Marks). These rejections are traversed.

### Independent Claims 1, 9, 15, 19 and 21

Applicant has disclosed a hybrid wait cursor 220, or pointed wait cursor, to indicate the busy state of a background application (e.g., lines 1 and 2 of paragraph [0039]). As shown in Fig. 3C, an exemplary hybrid wait cursor 220 can be a visual combination of the normal, pointer cursor 200 and the standard wait cursor 210. For example, the tail portion of the normal cursor 200 is replaced by the image associated with the busy state, e.g. a rotating pinwheel (e.g., lines 4 and 5 of paragraph [0039]). This hybrid wait cursor 220 is displayed while the cursor is located over windows of background applications that are busy. The "wait" portion of the hybrid cursor, e.g. the rotating pinwheel, informs the user that the application is in a busy state. At the same time, the pointer arrow on the hybrid cursor provides an

indication that some form of accessibility may be available (e.g., lines 7 through 11 of paragraph [0038])). For instance, the user may be able to click on the window to bring it to the foreground.

Applicant's independent claims 1, 9, 15, 19 and 21 are amended to clarify the above disclosed features. The Simpson publication would not have taught or suggested the features recited in Applicant's independent claims 1, 9, 15, 19 and 21.

In the final Office Action, the Examiner variously relies on page 138, specifically Fig. 7-3, of the Simpson publication to assert that "Simpson discloses a computer system, comprising:...and a user interface which controls the appearance of said cursor to display a first image when said cursor is positioned over a user interface element that can be immediately accessed by a user, a second image when said cursor is positioned over a window associated with a foreground application that is in a busy state that prevents it from being currently accessed, and a third image when said cursor is positioned over a user interface element associated with a background process that is in a busy state."

Applicant has traversed this assertion of record. Further, the Simpson publication would not have taught or suggested "wherein said first and second images are distinct from each other, and said third image is based on a visual combination of the first and second images," as recited in claim 1. See, also, other various recitations in claims 9, 15, 19 and 21. Rather, Fig. 7-3 of the Simpson publication that the Examiner relies on is merely demonstrative of a Pointer Tab of "Windows 95"<sup>TM</sup> Mouse Properties dialog box from which a user selects a pointer selection. There is no teaching or suggestion in the Simpson publication of 1) a first image when said cursor is positioned over a user interface element that can be

immediately accessed by a user, 2) a second image when said cursor is positioned over a window associated with a foreground application that is in a busy state that prevents it from being currently accessed, and 3) a third image when said cursor is positioned over a user interface element associated with a background process that is in a busy state, wherein 4) two of said images are distinct from each other, and another of said images is based on a visual combination of the two images, as variously recited in claims 1, 9, 15, 19 and 21.

At least for these reasons claims 1, 9, 15, 19 and 21 are allowable.

Withdrawal of the rejection is respectfully requested.

Independent Claims 23, 35 and 47

Applicant has also disclosed an example of a hybrid cursor that can be used to identify a drag operation (e.g., paragraph [0054]). For example, FIG. 7A illustrates the tail of a normal cursor being replaced with a bubble that can have a distinctive color that the user learns to associate with a drag operation (e.g., lines 2-4 of paragraph [0054]).

Applicant's independent claims 23, 35 and 47 are amended to clarify the above disclosed features. The Simpson publication would not have taught or suggested the features recited in Applicant's independent claims 23, 35 and 47. Applicant has traversed the rejection of record. Further, on page 12 of the final Office Action, the Examiner admits that Simpson does not disclose "where said condition is the dragging of an object, and said display means switches said display upon initiation of a drag operation."

The Malamud et al. patent does not cure the deficiencies of the Simpson publication. Rather, the Malamud et al. patent was applied by the Examiner for its

disclosure of a series of images in Fig. 2T showing the use of information pointers in drag and drop operations (col. 12, lines 65-67). The Malamud et al. patent teaches that when overlying a folder icon, an information box 46C containing a message appears (col. 13, lines 7-10). However, this and other disclosures of the Malamud et al. patent would not have taught or suggested a first image which comprises a pointer arrow having a tail, and a second image which comprises a hybrid consisting of a pointer arrow with a graphic in place of said tail, wherein said graphic represents a condition of a process;...wherein said condition is the dragging of an object, and said displaying means switches said display upon initiation of a drag operation, as variously recited in claims 23, 35 and 47.

The Marks patent does not cure the deficiencies of the Simpson publication and the Malamud et al. patent. Rather, the Marks patent was applied by the Examiner for its disclosure of a visual pointer in the form of an arrowhead, crosshairs, a vertical line, or a hand (e.g., col. 1, lines 39-42). The Marks patent merely discloses that such a pointer is used to select text, activate buttons, and perform other operations, such as "drag-and-drop" operations (e.g., col. 1, lines 42-44). However, the Marks patent, alone or in combination with the Simpson publication and the Malamud et al. patent, would not have taught or suggested a first image which comprises a pointer arrow having a tail, and a second image which comprises a hybrid consisting of a pointer arrow with a graphic in place of said tail, wherein said graphic represents a condition of a process;...wherein said condition is the dragging of an object, and said displaying means switches said display upon initiation of a drag operation, as variously recited in claims 23, 35 and 47.

At least for these reasons claims 23, 35 and 47 are allowable. Withdrawal of the rejections is respectfully requested.

Conclusion

For the foregoing reasons, Applicant's independent claims 1, 9, 15, 19, 21, 23, 35 and 47 are allowable. The remaining claims dependent from the respective independent claim, and as previously argued of record, recite additional advantageous features which further distinguish over the documents relied upon by the Examiner. As such, the present application is in condition for allowance.

Reconsideration and withdrawal of the rejections, and allowance of all pending claims is respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: February 19, 2008

By:



Richard J. Kim  
Registration No. 48360

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620